



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

David Guo

**NOV 14 2008**

Flushing, NY 11367

**RE: MUR 5950**

Dear Mr. Guo:

On November 9, 2007, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, as well as information available to the public, the Commission, on October 30, 2008, voted to dismiss this matter as it pertained to you. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

If you have any questions, please contact Audra Wassom, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Shonkwiler", followed by a long horizontal line.

**Mark D. Shonkwiler**  
Assistant General Counsel

Enclosure  
Factual and Legal Analysis

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# **FEDERAL ELECTION COMMISSION**

## **FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** Hsiao Yen Wang and David Guo

**MUR:** 5950

### **I. INTRODUCTION**

The Complaint in this matter alleges, relying on a news article, that Hsiao Yen Wang was reimbursed by David Guo for a \$1,000 contribution to Hillary Clinton for President in violation of 2 U.S.C. § 441f.

### **II. FACTS**

The Complaint in this matter is based entirely on information reported in two news articles, one published in the Los Angeles Times ("the Times") on October 19, 2007, and the other in the New York Post ("the Post") on October 20, 2007.<sup>1</sup> Complainants allege that the Post article demonstrates specific instances where donors were reimbursed for contributions in violation of the Act. The basis for this allegation is a report in the Post article that Hsiao Yen Wang, reported as contributing \$1,000 to Hillary Clinton for President, told the Post that she had been repaid for the contribution by an individual named David Guo. See Complaint at 3; NEW YORK POST article. The contribution was refunded by the Hillary Clinton for President committee in June 2007.

### **III. ANALYSIS**

The Act prohibits a person from making or "knowingly accepting" a "contribution made by one person in the name of another person." 2 U.S.C. § 441f; 11 C.F.R. § 110.4(b). As

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<sup>1</sup> See Peter Nicholas & Tom Hamburger, *Clinton campaign taps into an unlikely treasure-trove*, LOS ANGELES TIMES, Oct. 19, 2007, available at <http://www.latimes.com/news/politics/la-na-donors19oct19,0,4231217.story?coll=la-home-center> [hereinafter LOS ANGELES TIMES article]; Charles Hurt & Elaine Chan, *Hill's cash eyed as Chinese-laundered*, NEW YORK POST, Oct. 20, 2007, available at [http://www.nypost.com/seven/10202007/news/nationalnews/hills\\_cash\\_eyed\\_as\\_chinese\\_lau.htm](http://www.nypost.com/seven/10202007/news/nationalnews/hills_cash_eyed_as_chinese_lau.htm) [hereinafter NEW YORK POST article].

previously stated, the Post article indicates that Hsiao Yen Wang stated that she had been reimbursed by David Guo for a \$1,000 contribution made to the Clinton campaign.

Efforts to notify Wang and Guo of the complaint in this matter were unsuccessful.

Information found through an online person locator service indicates that Wang and Guo were married at the time the contribution was made; thus, it is possible the contribution was made from a joint checking account. There is no information indicating that either individual has ever made any other contributions to a federal candidate or committee.<sup>2</sup> Furthermore, as previously stated, Hillary Clinton for President refunded the \$1,000 contribution made by Wang.

Because it would not be worth the Commission's resources to open an investigation of this single \$1,000 contribution, which was refunded, and without further information indicating that the contribution was actually reimbursed, we recommend that the Commission dismiss this matter with respect to Hsiao Yen Wang and David Guo. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

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<sup>2</sup> A David Guo is listed in the Commission's database as having contributed \$500 to Al Green for Congress on October 15, 2004. Al Green for Congress is the campaign committee of Congressman Al Green who represents the Ninth Congressional District of Texas. The David Guo who contributed to Al Green for Congress listed an address in Houston, Texas rather than New York and listed his occupation as "self-employed/investor." We have no information that indicates this is the same person.